

### **Remarks**

Claims 12-40 are currently pending in the Application and Claim 13 is herein canceled without prejudice.

### **Summary of claim amendments**

This response cancels Claim 13 without prejudice, amends Claims 14-15 to depend from Claim 24 instead of canceled Claim 13, and amends Claims 19, 23, 36 and 40 to clarify the language of the claims.

### **Rejection of Claims 12-24 on statutory type double patenting grounds**

The Office Action date April 24, 2007 asserts a rejection of Claims 12-24 under the statutory type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,867,741.

Applicants respectfully note that in order for the pending claims to be rejected under the statutory type double patenting, the pending claims must be identical to the Claims 1-12 of U.S. Patent No. 6,867,741. Applicants respectfully submit that currently pending Claim 12 is different from Claims 1-12 of U.S. Patent No. 6,867,741 and therefore can not be rejected on statutory type double grounds. Furthermore, in the interest of moving this application to allowance, Applicants have canceled Claim 13 and amended Claims 14-15 to depend from Claim 24 instead of canceled Claim 13. In view of the amendments, Applicants respectfully request that the rejection be withdrawn.

### **35 U.S.C. §102(b) rejections**

I. In the Office Action dated April 24, 2007, Claims 25-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by Schellenberg (U.S. Patent No. 5,886,666). Applicants respectfully disagree. Applicants submit that the Examiner has not shown that Schellenberg teaches each and every element as set forth in the rejected claims. In particular:

Claim 25

Applicants submit that the Examiner has not shown that Schellenberg discloses, suggests or teaches, *inter alia*, the following features recited by Claim 25 of the present application:

“deploying air vehicles each serving as a platform for a secondary GPS position and timing reference transmitter, **each platform including a receiver for receiving GPS signals from the GPS satellite constellation**; transmitting the secondary GPS position and timing reference information from the transmitters on the air vehicles, the secondary GPS position and timing reference information being based upon the GPS signals received from the GPS satellite constellation at each platform; and receiving the secondary GPS position and timing reference information from the transmitters on one or more of the air vehicles at said GPS receiver” (emphasis added)

The Examiner asserts that these features are all disclosed in Schellenberg’s column 1, lines 20-33 (p. 3, section 7 of the Office Action dated April 24, 2007). Applicants respectfully traverse the Examiner’s assertion.

Schellenberg’s column 1, lines 20-33 recites the following:

#### BACKGROUND OF THE INVENTION

Global navigational satellite systems (GNSS) are known and include the global positioning system (GPS) and the Russian global orbiting navigational satellite system (GLONASS). GNSS-based navigational systems are used for navigation and positioning applications. In a GPS navigational system, GPS receivers receive satellite positioning signals from a set of up to 32 satellites deployed in 12-hour orbits about earth and dispersed in six orbital planes at an altitude of 10,900 nautical miles. Each GPS satellite continuously transmits two spread spectrum, L-band signals: an L1 signal having a frequency  $f_1$  of 1575.42 MHz, and an L2 signal having a frequency  $f_2$  of 1227.6 MHz. The L1 signal from each satellite is modulated by two pseudo-random codes, the coarse acquisition (C/A) code and the P-code. The P-code is normally encrypted, with the encrypted version of the P-code referred to as the Y-code. The L2 signal from each satellite is modulated by the Y-code. The C/A code is available for non-military uses, while the P-code (Y-code) is reserved for military uses.

Applicants submit that the Examiner failed to comply with 37 C.F.R. §1.104(c)(2) which states:

“In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes invention other than that claimed by Applicant, **the particular part relied on must be designated as nearly as practicable**. The pertinence, if not apparent, must be clearly explained and each rejected claim specified” (emphases added).

Applicants submit that the Examiner has failed to “designate as nearly as practicable” where does Schellenberg’s column 1, lines 20-33 disclose the “air vehicles” as recited in Claim 25.

Because Schellenberg does not teach, disclose or suggest at least “deploying air vehicles each serving as a platform for a secondary GPS position and timing reference transmitter, each platform including a receiver for receiving GPS signals from the GPS satellite constellation” as recited in Claim 25, Claim 25 is patentable over Schellenberg and should be allowed by the Examiner. Claims 26-29, at least based on their dependency on Claim 25, are also patentable over Schellenberg.

II. In the supplemental Office Action dated June 1, 2007, Claims 12 and 25-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by Rabinowitz (U.S. Patent No. 6,373,432). Applicants respectfully disagree. Applicants submit that the Examiner has not shown that Rabinowitz teaches each and every element as set forth in the rejected claims. In particular:

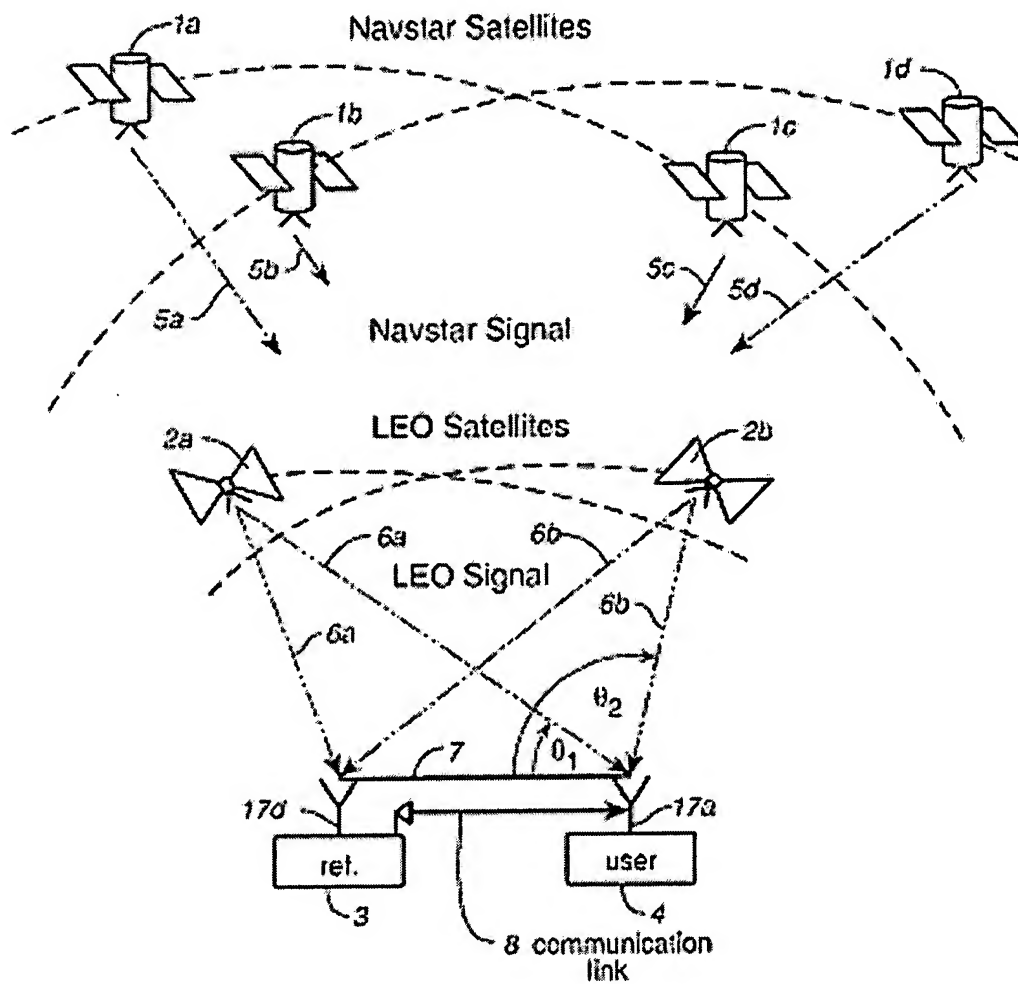
Claim 12

Applicants submit that the Examiner has not shown that Rabinowitz discloses, suggests or teaches, *inter alia*, the following features recited by Claim 12 of the present application:

“a plurality of airborne GPS platforms , each GPS platform including a

GPS receiver for receiving GPS signals from a number of visible GPS satellites” (emphasis added)

Referring to Rabinowitz’s Figure 1, reproduced below, the Examiner asserts that the “plurality of airborne GPS platforms” as recited in Claim 12 are all disclosed in Rabinowitz’s LEO satellites “2” (p. 2, section 2 of the Office Action dated June 1, 2007). Applicants respectfully traverse the Examiner’s assertion.



**FIG. 1**

According to Rabinowitz, the user 4 and receiver 3 track the absolute carrier phase for the Navstar satellite signals 5a-d together with the absolute carrier phase of multiple LEO satellite signals 6a-b (c. 6, ll. 44-47 of Rabinowitz). Applicants submit that the Examiner failed to comply with 37 C.F.R. §1.104(c)(2) by not designating “as nearly as practicable” where Rabinowitz’s LEO satellites 2 have a “**receiver** for receiving GPS signals from a number of visible GPS satellites” as recited in Claim 12.

Applicants submit that Rabinowitz does not teach, disclose or suggest “each GPS platform including a GPS receiver for receiving GPS signals from a number of visible GPS satellites” as recited in Claim 12, because Rabinowitz’s LEO satellites 2 do not have a receiver for receiving signals from Rabinowitz’s Navstar satellites 1. Hence, Claim 12 is patentable over Rabinowitz and should be allowed by the Examiner.

#### Claim 25

Applicants submit that, at least for the reasons stated above for Claim 12, Rabinowitz does not teach, disclose or suggest “deploying air vehicles each serving as a platform for a secondary GPS position and timing reference transmitter, **each platform including a receiver for receiving GPS signals from the GPS satellite constellation**” (emphasis added) as recited in Claim 25. Hence, Claim 25 is patentable over Rabinowitz and should be allowed by the Examiner. Claims 26-29, at least based on their dependency on Claim 25, are also patentable over Rabinowitz.

**Conclusion**

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

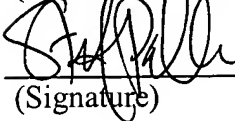
I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on

July 11, 2007

(Date of Deposit)

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Respectfully submitted,



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